

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Barbara Sprouse,)	
)	
Plaintiff,)	Civil Action No. 4:20-685-RMG
)	
vs.)	
)	
Andrew M. Saul, Commissioner of Social Security,)	
)	ORDER
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (“R & R”) on April 28, 2021, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge (“ALJ”) to explain and reconcile the opinions of the non-examining and non-treating physicians which the A:J relied upon with the RFC. (Dkt. No. 16 at 6-9). The Magistrate Judge also recommended that on remand the ALJ review and weigh the evidence submitted to the Appeals Council. (*Id.* at 11). The Commissioner has advised the Court that he does not intend to file objections to the R & R. (Dkt. No. 17).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court

ADOPTS the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
May 13, 2021